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VIRGINIA LAW REGISTER

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Issued Monthly at \$5 per Annum. Single Numbers, 50 cents.

All Communications should be addressed to the PUBLISHERS

ADDRESS OF JUDGE BURKS.

The importance of Judge Burks' admirable address on the new Code impels us to publish it in full, and so we omit much of our Editorial and other matter in order to give the whole address in one issue.

The Editor-in-Chief has been much flattered and somewhat surprised by the kind wish on the part of many of his friends that the very sketchy notes of his late **Some More Notes.** trip to England and France should be continued.

Of course the Inns of Court and the Courts of Justice are of much interest to all lawyers. Just a little way down High Holborn on the opposite side of the street from Gray's Inn is Staples Inn whose curiously timbered houses remain a relic of the olden time amidst the stir and bustle of a busy modern world. They are no longer used as Inns of Court proper. These gabled houses are the sole survivors of Elizabethan domestic architecture to be found in the streets of London and nothing can be more striking or delightful than this block of quaint old houses with overhanging stories and gabled roof. The Prudential Assurance Company owns these buildings now and a debt of gratitude is due the Directors of that Company for their preservation. The old Hall—built in 1580—is now used for the Society of Actuaries. You walk through an open port amidst the old buildings and are at once out of the roar of the busy street and in quiet courts surrounded by old buildings. The houses still contain chambers which lawyers occupy, and Number 10 in the second court is that immortalized in Dickens' "Edwin Drood"

as Mr. Grewgious' Chambers. The date is 1747 and the "P. J. T." which surround the date simply stood for "Principal John Thompson," who ruled the Inn that year. Dr. Samuel Johnson wrote "Rasselas" in a chamber he occupied in Staples Inn. Staples Inn was an appendage of Gray's Inn. It ceased to have any connection with the law in 1884 when the Society sold it to the Prudential. A little farther down the street and entered from a narrow little passage with a quaint coat of arms over it is what is left of Barnard's Inn, also once an appendage of Gray's Inn. The Hall is a tiny little bit of room; the original timber and rough cast exterior was cased in red brick in the eighteenth century. It has a high pitched roof and some heraldic glass in the windows which dates back to 1500.

A Masonic Lodge had been meeting in it the night before the day on which we visited it and men were moving out some of the Lodge furniture as I entered it. They told me the Lodge had been held in honor of some American soldiers who "exemplified the work" to their British Brethren.

We could have walked a little farther up High Holborn and gone down to the Strand by way of Fetter Lane, in which stood the Sponging House to which Rawdon Crawley was conducted according to "Vanity Fair;" but we turned back and went down Chancery Lane by the old Gateway of Lincoln's Inn upon which "rare Ben Jonson," it is said, worked with brick and mortar and trowel. This "lane"—it is a very narrow street—enters the Strand where once stood Temple Bar and on its corner and that of the Strand stand the magnificent buildings known as the Courts of Justice. They are of granite and cover a large square. Turretted and gabled, strong in outline and splendidly conceived and constructed they are worthy temples of law and justice.

We attended several courts and were received with the greatest courtesy—our word being taken as to our being a member of the legal fraternity. As everyone knows, both judges and lawyers are bewigged and gowned, the judges' wigs being much more voluminous than the funny little wigs worn by the barristers.

Two things struck us as extraordinary: One, the great laxity allowed in the examination of witnesses; the other, the entire

absence of the wrangling and jangling between lawyers which is—we are sorry to say—so common in our courts. Leading questions were asked without objection, and hearsay given by the witness. Not a single “point” was made by any barrister in any trial we attended, the nearest to it being made by an elderly gentleman who in the midst of a garrulous witness’s chatter said: “If your Ludship” (by the way, “Ludship” is his Lordship’s universal title, when it is not “me Lud”) “will permit me to suggest”—His “Ludship” cut him short: “I’ll take care of that Brother B—,” and the barrister took his seat. The barrister and witness both stand while the examination is going on. The reason of this laxity in the matter of testimony was explained to me to be that the Judge “sums up” the case, telling the jury what is evidence and what is not, and practically indicating what the verdict in his opinion ought to be. The Judge in England in a nisi prius court is not, as he is in Virginia, a comparative figurehead but takes active part in the trial and seems to need very little aid from the bar as to what the law is. He seems to know the law and we saw very few law books in any bar in the court rooms. Of course it is very different in the court sitting in banc or in the appellate courts where very learned arguments are made and listened to with patience and attention. In chancery also questions are argued—the judge very often arguing with counsel in what struck us as a rather rude way.

But the most amazing thing to us was that a barrister, especially when he has risen to eminence, will take part in one or more cases all going on at the same time. He will question witnesses in Court “A” in the case of *Jones v. Brown*. He will leave in the midst of the examination, turning the case over to his junior, hurry into Court “B” and argue a case in which he has not heard the testimony of a single witness; leave that and rush into Court “C,” where he will consult with his associates, ask a question or so, then hurry back into Court “A” and plunge into *Jones v. Brown* again, to resume his rapid flight and hasty participation in the other cases. This of course is rendered possible by the fact that the barrister never sees either his client or the witnesses until he goes into court—his brief, giving all the facts in the case and the testimony of the witnesses. Only the

"big wigs" in the law do this; the solicitor, who employs the barrister, being willing thus to "share him" for the sake of his name and supposed influence with the courts. We would not have believed it had we not seen it with our own eyes and been assured that it was not at all uncommon.

Quite a discussion was going on while we were in London as to the merging of the solicitor and barrister: in other words, abolishing the present method, and the lawyers becoming like American lawyers in that the solicitor could act as barrister and the barrister as solicitor. We very much doubt if this merger takes place for many generations. It would certainly lessen the expense of litigation, but that doesn't seem to appeal to either branch of the profession.

On the whole we were very much impressed with the dignity of the English courts and the smooth way in which the machinery seemed to run. The high traditions of the lawyer still prevail in old England and the shyster, ambulance chaser and sharp practitioner are almost unknown.